

By: Dem

S.B. No. 1465

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Menard County Underground Water District, is created in Menard County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Menard County Underground Water District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Menard County, with the exception of the territory contained within the Hickory Underground Water Control District No. 1.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by

4-18-91
4-25-91
5-10-91

1 the district under powers conferred by Article XVI, Section 59, of
2 the Texas Constitution. The district is created to serve a public
3 use and benefit.

4 SECTION 6. POWERS. (a) The district has all of the rights,
5 powers, privileges, authority, functions, and duties provided by
6 the general law of this state, including Chapters 50 and 52, Water
7 Code, applicable to underground water conservation districts
8 created under Article XVI, Section 59, of the Texas Constitution.
9 This Act prevails over any provision of general law that is in
10 conflict or inconsistent with this Act.

11 (b) The rights, powers, privileges, authority, functions,
12 and duties of the district are subject to the continuing right of
13 supervision of the state to be exercised by and through the Texas
14 Water Commission.

15 SECTION 7. BOARD OF DIRECTORS. (a) The district is
16 governed by a board of five directors.

17 (b) Temporary directors serve until initial permanent
18 directors are elected under Section 9 of this Act.

19 (c) Initial permanent directors serve until permanent
20 directors are elected under Section 10 of this Act.

21 (d) Permanent directors other than initial permanent
22 directors serve staggered four-year terms.

23 (e) Each director must qualify to serve as director in the
24 manner provided by Sections 52.108 and 51.079, Water Code.

25 (f) A director serves until the director's successor has^{2/}₃
26 qualified.

27 (g) A director is not entitled to compensation for service

1 on the board of directors but may be reimbursed as provided by
2 board rules for expenses incurred in carrying out the business of
3 the district.

4 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
5 directors is composed of:

- 6 (1) Carl A. Martin, Jr.
- 7 (2) Murph M. Compton
- 8 (3) Mark W. Jones
- 9 (4) A. B. Williams
- 10 (5) Bill Austin

11 (b) If a temporary director fails to qualify for office, the
12 temporary directors who have qualified shall appoint a person to
13 fill the vacancy. If at any time there are fewer than three
14 qualified temporary directors, the Texas Water Commission shall
15 appoint the necessary number of persons to fill all vacancies on
16 the board.

17 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

18 (a) The temporary board of directors shall call and hold an
19 election to confirm establishment of the district and to elect five
20 initial directors.

21 (b) A person who desires to be a candidate for the office of
22 initial director may file an application with the temporary board
23 to have the candidate's name printed on the ballot as provided by ^{3/4}
24 Section 52.107, Water Code.

25 (c) At the confirmation and initial directors' election, the
26 temporary board of directors shall have the names of the five
27 persons serving as temporary directors placed on the ballot

1 together with the name of any candidate filing for the office of
2 director as provided by Subsection (b) of this section and blank
3 spaces to write in the names of other persons. If the district is
4 created at the election, the temporary directors, at the time the
5 vote is canvassed, shall declare the five persons who receive the
6 most votes to be elected as the initial directors and shall include
7 the results of the directors' election in its election report to
8 the Texas Water Commission.

9 *Subsection (a),*
(d) *Section 41.001(a),* Election Code, does not apply to a
10 confirmation and initial directors' election held as provided by
11 this section.

12 (e) Except as provided by this section, a confirmation and
13 initial directors' election must be conducted as provided by
14 *Subsections (b) through (g),*
Sections 52.059(b) through (g), Water Code, and the Election Code.

15 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
16 May of the second year after the year in which the district is
17 authorized to be created at a confirmation election, an election
18 shall be held in the district for the election of directors. The
19 five directors receiving the highest number of votes are directors
20 for the district. The three directors receiving the highest number
21 of votes shall serve four-year terms, and the remaining two
22 directors shall serve two-year terms. Thereafter, on the same date
23 in each subsequent second year, the appropriate number of directors
24 shall be elected to the board.

25 SECTION 11. AMENDMENT. Chapter 31, Acts of the 55th
26 Legislature, 1st Called Session, 1957, is amended by adding Section
27 1A to read as follows:

1 Sec. 1A. The District is governed by a board of five
2 directors composed of the persons who serve as directors of the
3 Menard County Underground Water District. Each director of the
4 Menard County Underground Water District serves on the board of
5 directors of the Menard County Water Control and Improvement
6 District No. 1 as an additional duty of his office as director of
7 the underground water district. A director is not entitled to
8 compensation for service on the board of directors but may be
9 reimbursed as provided by board rules for expenses incurred in
10 carrying out the business of the District.

11 SECTION 12. ADDITIONAL DUTY. Each person designated under
12 this Act as a temporary director for the Menard County Underground
13 Water District serves in that capacity as an additional duty of
14 office as a director of the Menard County Water Control and
15 Improvement District No. 1.

16 SECTION 13. EXCLUSION. On the date on which creation of the
17 Menard County Underground Water District is confirmed, the
18 territory located within the boundaries of Menard County is
19 excluded from and is no longer included within the boundaries of
20 the Plateau Underground Water Conservation and Supply District and
21 is no longer subject to the jurisdiction of the Plateau Underground
22 Water Conservation and Supply District.

23 SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
24 (a) The proper and legal notice of the intention to introduce this
25 Act, setting forth the general substance of this Act, has been
26 published as provided by law, and the notice and a copy of this Act
27 have been furnished to all persons, agencies, officials, or

1 entities to which they are required to be furnished by the
2 constitution and other laws of this state, including the governor,
3 who has submitted the notice and Act to the Texas Water Commission.

4 (b) The Texas Water Commission has filed its recommendations
5 relating to this Act with the governor, lieutenant governor, and
6 speaker of the house of representatives within the required time.

7 (c) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

11 SECTION 15. EFFECTIVE DATE. This Act takes effect
12 immediately, except Section 11 of this Act takes effect on the date
13 the temporary board of directors declares the results of the
14 confirmation and initial directors' election to be favorable to the
15 creation of the district and declares the district created.

16 SECTION 16. EMERGENCY. The importance of this legislation^{6/7}
17 and the crowded condition of the calendars in both houses create an
18 emergency and an imperative public necessity that the
19 constitutional rule requiring bills to be read on three several
20 days in each house be suspended, and this rule is hereby suspended,
21 and that this Act take effect and be in force from and after its
22 passage, and it is so enacted.

By: Sims S.B. No. 1465
(In the Senate - Filed April 2, 1991; April 8, 1991, read first time and referred to Committee on Natural Resources; April 18, 1991, reported favorably by the following vote: Yeas 8, Nays 0; April 18, 1991, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Sims	x			
Truan				x
Armbrister	x			
Barrientos	x			
Brown				x
Carriker				x
Lucio	x			
Ratliff	x			
Rosson	x			
Sibley	x			
Zaffirini	x			

A BILL TO BE ENTITLED
AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Menard County Underground Water District, is created in Menard County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Menard County Underground Water District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Menard County, with the exception of the territory contained within the Hickory Underground Water Control District No. 1.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public use and benefit.

SECTION 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) Temporary directors serve until initial permanent directors are elected under Section 9 of this Act.

(c) Initial permanent directors serve until permanent directors are elected under Section 10 of this Act.

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

(e) Each director must qualify to serve as director in the

manner provided by Sections 52.108 and 51.079, Water Code.

(f) A director serves until the director's successor has qualified.

(g) A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the district.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:

(1) Carl A. Martin, Jr.

(2) Murph M. Compton

(3) Mark W. Jones

(4) A. B. Williams

(5) Bill Austin

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors.

(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 52.107, Water Code.

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the five persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Water Commission.

(d) Subsection (a), Section 41.001, Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.

(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Subsections (b) through (g), Section 52.059, Water Code, and the Election Code.

SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of directors. The five directors receiving the highest number of votes are directors for the district. The three directors receiving the highest number of votes shall serve four-year terms, and the remaining two directors shall serve two-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 11. AMENDMENT. Chapter 31, Acts of the 55th Legislature, 1st Called Session, 1957, is amended by adding Section 1A to read as follows:

Sec. 1A. The District is governed by a board of five directors composed of the persons who serve as directors of the Menard County Underground Water District. Each director of the Menard County Underground Water District serves on the board of directors of the Menard County Water Control and Improvement District No. 1 as an additional duty of his office as director of the underground water district. A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the District.

SECTION 12. ADDITIONAL DUTY. Each person designated under

this Act as a temporary director for the Menard County Underground Water District serves in that capacity as an additional duty of office as a director of the Menard County Water Control and Improvement District No. 1.

SECTION 13. EXCLUSION. On the date on which creation of the Menard County Underground Water District is confirmed, the territory located within the boundaries of Menard County is excluded from and is no longer included within the boundaries of the Plateau Underground Water Conservation and Supply District and is no longer subject to the jurisdiction of the Plateau Underground Water Conservation and Supply District.

SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 15. EFFECTIVE DATE. This Act takes effect immediately, except Section 11 of this Act takes effect on the date the temporary board of directors declares the results of the confirmation and initial directors' election to be favorable to the creation of the district and declares the district created.

SECTION 16. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

* * * * *

Austin, Texas
April 18, 1991

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 1465, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Sims, Chairman

**FAVORABLE
SENATE COMMITTEE REPORT ON**

SE SCR SJR SR HB HCR HJR 1465
By Sims
(Author/Senate Sponsor)
4-18-91
(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on Natural Resources, to which was referred the attached measure,
have on 4-17-91, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Sims, Chairman	✓			
Truan, Vice Chairman			✓	
Armbrister	✓			
Barrientos	✓			
Brown			✓	
Carriker			✓	
Lucio	✓			
Ratliff	✓			
Rosson	✓			
Zaffirini	✓			
<u>Sibky</u>	✓			
TOTAL VOTES	8		3	

COMMITTEE ACTION

☒ S260 Considered in public hearing

☒ S270 Testimony taken

Lisa Hayes
COMMITTEE CLERK

Bill Li
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
Retain one copy of this form for Committee files

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 16, 1991

TO: Honorable Bill Sims, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 1465
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1465 (relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, LC

Ground Chuck

6 - FEBRUARY 28, 1991. MENARD (TX) NEWS

Pipe For Sale

2 7/8", 65c Ft.; 3 1/2", 65c Ft.
2 3/8", 50c Ft.; 2 1/16", 45c Ft.

Walter Russell
915-396-2532

(Night or early morning)

Free Delivery

KENNER



WATER WELL SERVICE
Menard, Tx.

Sales - Service - Installation

- Pump & Windmill Repair
- Complete pump & pressure system installation
- Pressure Tanks
- Pressure Switches
- Plastic & Galvanized Pipe

Legal Notice

The Menard County Water Control and Improvement District #1 hereby serves notice that it is the intent of the Menard County Water Control and Improvement District #1 to amend current statute to include Chapter 52 of the Texas Water Code granting authority to the Menard County Water Control and Improvement District #1 to regulate underground water.

The purpose of this legislation is to enable the Menard County Water Control and Improvement District #1 to preserve, protect, and conserve the underground water of Menard County.

The proposed underground water district's boundaries will be contiguous with the boundaries of Menard County save and except the area presently under jurisdiction of the Hickory Underground Water Conservation District #1 in Menard County.

Issued By Menard County Water Control & Improvement District #1
Board of Directors 2tc-18

Bid Notice

Bids are now being accepted for sale of

12.73
15 ac
18-19
52 ac
118 ac
270 ac
1,238
2,500
RANC
198 ac
and
211 ac
\$30
610 ac
647 ac
962 ac
2000 ac
200 ac
acre,
1,270 ac
1,460 ac
2,000 lb
HOUSE
2 lots w
Large lo
2 1/2 lot
Nice 3B

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Haley, Chairman
Administration Committee

Sir:

Notice is hereby given that SB 1465, by: Sims,
(Bill No.) (author)
was heard by the Committee on Natural Resources on April 17 19 91,
and reported out with the recommendation that it be placed on the Local Uncontested Bills Calendar.

Lisa Hayes
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO ROOM 419. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.

April 26 1991 Engrossed
Daisy [Signature]
Engrossing Clerk

1991 MAY -3 PM 2:18

HOUSE OF REPRESENTATIVES
I certify that the attached is a true and correct
copy of SB 1465, which was
received from the Senate on APR 29 1991, and
referred to the Committee on Natural Resources
[Signature]
Chief Clerk of the House

By: Sims
(Hilderbran)

S.B. No. 1465

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties,
operation, and financing of the Menard County Underground Water
District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation
district, to be known as the Menard County Underground Water
District, is created in Menard County, subject to approval at a
confirmation election under Section 9 of this Act. The district is
a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to
accomplish the purposes of Article XVI, Section 59, of the Texas
Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the
Menard County Underground Water District.

SECTION 3. BOUNDARIES. The district includes the territory
contained within Menard County, with the exception of the territory
contained within the Hickory Underground Water Control District
No. 1.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other
property included within the boundaries of the district will be
benefited by the works and projects that are to be accomplished by

1 the district under powers conferred by Article XVI, Section 59, of
2 the Texas Constitution. The district is created to serve a public
3 use and benefit.

4 SECTION 6. POWERS. (a) The district has all of the rights,
5 powers, privileges, authority, functions, and duties provided by
6 the general law of this state, including Chapters 50 and 52, Water
7 Code, applicable to underground water conservation districts
8 created under Article XVI, Section 59, of the Texas Constitution.
9 This Act prevails over any provision of general law that is in
10 conflict or inconsistent with this Act.

11 (b) The rights, powers, privileges, authority, functions,
12 and duties of the district are subject to the continuing right of
13 supervision of the state to be exercised by and through the Texas
14 Water Commission.

15 SECTION 7. BOARD OF DIRECTORS. (a) The district is
16 governed by a board of five directors.

17 (b) Temporary directors serve until initial permanent
18 directors are elected under Section 9 of this Act.

19 (c) Initial permanent directors serve until permanent
20 directors are elected under Section 10 of this Act.

21 (d) Permanent directors other than initial permanent
22 directors serve staggered four-year terms.

23 (e) Each director must qualify to serve as director in the
24 manner provided by Sections 52.108 and 51.079, Water Code.

25 (f) A director serves until the director's successor has

1 qualified.

2 (g) A director is not entitled to compensation for service
3 on the board of directors but may be reimbursed as provided by
4 board rules for expenses incurred in carrying out the business of
5 the district.

6 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
7 directors is composed of:

8 (1) Carl A. Martin, Jr.

9 (2) Murph M. Compton

10 (3) Mark W. Jones

11 (4) A. B. Williams

12 (5) Bill Austin

13 (b) If a temporary director fails to qualify for office, the
14 temporary directors who have qualified shall appoint a person to
15 fill the vacancy. If at any time there are fewer than three
16 qualified temporary directors, the Texas Water Commission shall
17 appoint the necessary number of persons to fill all vacancies on
18 the board.

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

20 (a) The temporary board of directors shall call and hold an
21 election to confirm establishment of the district and to elect five
22 initial directors.

23 (b) A person who desires to be a candidate for the office of
24 initial director may file an application with the temporary board
25 to have the candidate's name printed on the ballot as provided by

1 Section 52.107, Water Code.

2 (c) At the confirmation and initial directors' election, the
3 temporary board of directors shall have the names of the five
4 persons serving as temporary directors placed on the ballot
5 together with the name of any candidate filing for the office of
6 director as provided by Subsection (b) of this section and blank
7 spaces to write in the names of other persons. If the district is
8 created at the election, the temporary directors, at the time the
9 vote is canvassed, shall declare the five persons who receive the
10 most votes to be elected as the initial directors and shall include
11 the results of the directors' election in its election report to
12 the Texas Water Commission.

13 (d) Subsection (a), Section 41.001, Election Code, does not
14 apply to a confirmation and initial directors' election held as
15 provided by this section.

16 (e) Except as provided by this section, a confirmation and
17 initial directors' election must be conducted as provided by
18 Subsections (b) through (g), Section 52.059, Water Code, and the
19 Election Code.

20 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
21 May of the second year after the year in which the district is
22 authorized to be created at a confirmation election, an election
23 shall be held in the district for the election of directors. The
24 five directors receiving the highest number of votes are directors
25 for the district. The three directors receiving the highest number

1 of votes shall serve four-year terms, and the remaining two
2 directors shall serve two-year terms. Thereafter, on the same date
3 in each subsequent second year, the appropriate number of directors
4 shall be elected to the board.

5 SECTION 11. AMENDMENT. Chapter 31, Acts of the 55th
6 Legislature, 1st Called Session, 1957, is amended by adding Section
7 1A to read as follows:

8 Sec. 1A. The District is governed by a board of five
9 directors composed of the persons who serve as directors of the
10 Menard County Underground Water District. Each director of the
11 Menard County Underground Water District serves on the board of
12 directors of the Menard County Water Control and Improvement
13 District No. 1 as an additional duty of his office as director of
14 the underground water district. A director is not entitled to
15 compensation for service on the board of directors but may be
16 reimbursed as provided by board rules for expenses incurred in
17 carrying out the business of the District.

18 SECTION 12. ADDITIONAL DUTY. Each person designated under
19 this Act as a temporary director for the Menard County Underground
20 Water District serves in that capacity as an additional duty of
21 office as a director of the Menard County Water Control and
22 Improvement District No. 1.

23 SECTION 13. EXCLUSION. On the date on which creation of the
24 Menard County Underground Water District is confirmed, the
25 territory located within the boundaries of Menard County is

1 excluded from and is no longer included within the boundaries of
2 the Plateau Underground Water Conservation and Supply District and
3 is no longer subject to the jurisdiction of the Plateau Underground
4 Water Conservation and Supply District.

5 SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

6 (a) The proper and legal notice of the intention to introduce this
7 Act, setting forth the general substance of this Act, has been
8 published as provided by law, and the notice and a copy of this Act
9 have been furnished to all persons, agencies, officials, or
10 entities to which they are required to be furnished by the
11 constitution and other laws of this state, including the governor,
12 who has submitted the notice and Act to the Texas Water Commission.

13 (b) The Texas Water Commission has filed its recommendations
14 relating to this Act with the governor, lieutenant governor, and
15 speaker of the house of representatives within the required time.

16 (c) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

20 SECTION 15. EFFECTIVE DATE. This Act takes effect
21 immediately, except Section 11 of this Act takes effect on the date
22 the temporary board of directors declares the results of the
23 confirmation and initial directors' election to be favorable to the
24 creation of the district and declares the district created.

25 SECTION 16. EMERGENCY. The importance of this legislation

S.B. No. 1465

1 and the crowded condition of the calendars in both houses create an
2 emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended,
5 and that this Act take effect and be in force from and after its
6 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 16, 1991

**TO: Honorable Bill Sims, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas**

**IN RE: Senate Bill No. 1465
By: Sims**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1465 (relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, LC

HOUSE COMMITTEE REPORT

91 MAY -7 PM 8: 54

HOUSE OF REPRESENTATIVES

1st Printing

By: Sims
(Hilderbran)

S.B. No. 1465

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Menard County Underground Water District, is created in Menard County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Menard County Underground Water District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Menard County, with the exception of the territory contained within the Hickory Underground Water Control District No. 1.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by

1 the district under powers conferred by Article XVI, Section 59, of
2 the Texas Constitution. The district is created to serve a public
3 use and benefit.

4 SECTION 6. POWERS. (a) The district has all of the rights,
5 powers, privileges, authority, functions, and duties provided by
6 the general law of this state, including Chapters 50 and 52, Water
7 Code, applicable to underground water conservation districts
8 created under Article XVI, Section 59, of the Texas Constitution.
9 This Act prevails over any provision of general law that is in
10 conflict or inconsistent with this Act.

11 (b) The rights, powers, privileges, authority, functions,
12 and duties of the district are subject to the continuing right of
13 supervision of the state to be exercised by and through the Texas
14 Water Commission.

15 SECTION 7. BOARD OF DIRECTORS. (a) The district is
16 governed by a board of five directors.

17 (b) Temporary directors serve until initial permanent
18 directors are elected under Section 9 of this Act.

19 (c) Initial permanent directors serve until permanent
20 directors are elected under Section 10 of this Act.

21 (d) Permanent directors other than initial permanent
22 directors serve staggered four-year terms.

23 (e) Each director must qualify to serve as director in the
24 manner provided by Sections 52.108 and 51.079, Water Code.

25 (f) A director serves until the director's successor has

1 qualified.

2 (g) A director is not entitled to compensation for service
3 on the board of directors but may be reimbursed as provided by
4 board rules for expenses incurred in carrying out the business of
5 the district.

6 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
7 directors is composed of:

8 (1) Carl A. Martin, Jr.

9 (2) Murph M. Compton

10 (3) Mark W. Jones

11 (4) A. B. Williams

12 (5) Bill Austin

13 (b) If a temporary director fails to qualify for office, the
14 temporary directors who have qualified shall appoint a person to
15 fill the vacancy. If at any time there are fewer than three
16 qualified temporary directors, the Texas Water Commission shall
17 appoint the necessary number of persons to fill all vacancies on
18 the board.

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

20 (a) The temporary board of directors shall call and hold an
21 election to confirm establishment of the district and to elect five
22 initial directors.

23 (b) A person who desires to be a candidate for the office of
24 initial director may file an application with the temporary board
25 to have the candidate's name printed on the ballot as provided by

1 Section 52.107, Water Code.

2 (c) At the confirmation and initial directors' election, the
3 temporary board of directors shall have the names of the five
4 persons serving as temporary directors placed on the ballot
5 together with the name of any candidate filing for the office of
6 director as provided by Subsection (b) of this section and blank
7 spaces to write in the names of other persons. If the district is
8 created at the election, the temporary directors, at the time the
9 vote is canvassed, shall declare the five persons who receive the
10 most votes to be elected as the initial directors and shall include
11 the results of the directors' election in its election report to
12 the Texas Water Commission.

13 (d) Subsection (a), Section 41.001, Election Code, does not
14 apply to a confirmation and initial directors' election held as
15 provided by this section.

16 (e) Except as provided by this section, a confirmation and
17 initial directors' election must be conducted as provided by
18 Subsections (b) through (g), Section 52.059, Water Code, and the
19 Election Code.

20 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
21 May of the second year after the year in which the district is
22 authorized to be created at a confirmation election, an election
23 shall be held in the district for the election of directors. The
24 five directors receiving the highest number of votes are directors
25 for the district. The three directors receiving the highest number

1 of votes shall serve four-year terms, and the remaining two
2 directors shall serve two-year terms. Thereafter, on the same date
3 in each subsequent second year, the appropriate number of directors
4 shall be elected to the board.

5 SECTION 11. AMENDMENT. Chapter 31, Acts of the 55th
6 Legislature, 1st Called Session, 1957, is amended by adding Section
7 1A to read as follows:

8 Sec. 1A. The District is governed by a board of five
9 directors composed of the persons who serve as directors of the
10 Menard County Underground Water District. Each director of the
11 Menard County Underground Water District serves on the board of
12 directors of the Menard County Water Control and Improvement
13 District No. 1 as an additional duty of his office as director of
14 the underground water district. A director is not entitled to
15 compensation for service on the board of directors but may be
16 reimbursed as provided by board rules for expenses incurred in
17 carrying out the business of the District.

18 SECTION 12. ADDITIONAL DUTY. Each person designated under
19 this Act as a temporary director for the Menard County Underground
20 Water District serves in that capacity as an additional duty of
21 office as a director of the Menard County Water Control and
22 Improvement District No. 1.

23 SECTION 13. EXCLUSION. On the date on which creation of the
24 Menard County Underground Water District is confirmed, the
25 territory located within the boundaries of Menard County is

1 excluded from and is no longer included within the boundaries of
2 the Plateau Underground Water Conservation and Supply District and
3 is no longer subject to the jurisdiction of the Plateau Underground
4 Water Conservation and Supply District.

5 SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

6 (a) The proper and legal notice of the intention to introduce this
7 Act, setting forth the general substance of this Act, has been
8 published as provided by law, and the notice and a copy of this Act
9 have been furnished to all persons, agencies, officials, or
10 entities to which they are required to be furnished by the
11 constitution and other laws of this state, including the governor,
12 who has submitted the notice and Act to the Texas Water Commission.

13 (b) The Texas Water Commission has filed its recommendations
14 relating to this Act with the governor, lieutenant governor, and
15 speaker of the house of representatives within the required time.

16 (c) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

20 SECTION 15. EFFECTIVE DATE. This Act takes effect
21 immediately, except Section 11 of this Act takes effect on the date
22 the temporary board of directors declares the results of the
23 confirmation and initial directors' election to be favorable to the
24 creation of the district and declares the district created.

25 SECTION 16. EMERGENCY. The importance of this legislation

S.B. No. 1465

1 and the crowded condition of the calendars in both houses create an
2 emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended,
5 and that this Act take effect and be in force from and after its
6 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 6, 1991
(date)

Sir:
We, your COMMITTEE ON NATURAL RESOURCES,
to whom was referred SB 1465 have had the same under consideration and beg to report
(measure)

back with the recommendation that it
(x) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
A fiscal note was requested. () yes (x) no An author's fiscal statement was requested. (x) yes () no
A criminal justice policy impact statement was requested. () yes (x) no
An equalized educational funding impact statement was requested. () yes (x) no
An actuarial analysis was requested. () yes (x) no
A water development policy impact statement was requested. () yes (x) no
A federal funds impact statement was requested. () yes (x) no
(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.
This measure (x) proposes new law. (x) amends existing law.
House Sponsor of Senate Measure Hilderbran

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Lewis, R., Ch.	x			
Willy, V.C.	x			
Collazo, C.B.O.				x
Bosse	x			
Greenberg	x			
Haggerty	x			
Hilderbran	x			
Puente	x			
Yost	x			

Total 8 aye
 0 nay
 0 present, not voting
 1 absent

Ron Lewis
CHAIRMAN
Deborah K. McCall
COMMITTEE COORDINATOR

SB 1465
By: Sims
H. Sponsor: Hilderbran

Committee on
Natural Resources

BILL ANALYSIS

BACKGROUND

Menard County is mainly composed of farming and ranching communities. The citizens of the county feel that the creation of an underground water district will aid in the regulation of water use, and request that the district be defined by county boundaries, with the exception of the territory contained within the Hickory Underground Water Control District No. 1.

PURPOSE OF THE BILL

As proposed, this bill creates the Menard County Underground Water District.

SECTION BY SECTION ANALYSIS

SECTION 1. Creates the district.

SECTION 2. Defines "district."

SECTION 3. Establishes district boundaries.

SECTION 4. Legislative finding that the district boundaries form a closure.

SECTION 5. Legislative finding of public use and benefit.

SECTION 6. Provides for the district to have all powers conferred by state law, including Chapters 50 and 52, Water Code; provides for this Act to prevail over conflicts with general law; and provides for continuing supervision by the state.

SECTION 7. Provides for a board of five directors serving staggered four-year terms; temporary directors; initial directors; qualifications for directors; and reimbursement for actual expenses.

SECTION 8. Names the temporary directors; provides for filling a vacancy.

SECTION 9. Provides for the confirmation and initial directors' elections.

SECTION 10. Provides for the election of permanent directors.

SECTION 11. Amends Chapter 31, Acts of the 55th Legislature, 1st Called Session, 1957, to provide for the Menard County Water Control and Improvement District to be governed by a board of directors composed of the persons who serve as directors of the Menard County Underground Water District.

SECTION 12. Establishes that temporary directors of the Menard County UWD serve as directors of the Menard County WCID No. 1 as an additional duty.

SECTION 13. Excludes Menard County from the Plateau Underground Water and Supply District upon creation of the Menard County District.

SECTION 14. Legislative finding that procedural requirements have been met.

SECTION 15. Effective date: immediately, except Section 11, to take effect when the district and the initial directors are elected and the district is declared created.

SECTION 16. Emergency clause. Effective date; upon passage.

RULEMAKING AUTHORITY

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

SUMMARY OF COMMITTEE ACTION

SB 1465 was taken up in a public hearing of the full committee on May 6, 1991. No witnesses were present on the bill. A motion to report SB 1465 favorably back to the full House with the recommendation that it be placed on the Local and Consent calendar carried by a vote of 8 ayes, 0 nay, 0 PNV and 1 absent.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE

April 16, 1991

TO: Honorable Bill Sims, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 1465
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1465 (relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, LC

The Texas House of Representatives

Harvey Hilderbran

State Representative
District 67

Committees:
Natural Resources
Human Services
Rules and Resolutions

May 6, 1991

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0536

420 Water Street
Suite 105
Kerrville, Texas 78028
512-257-2333

The Honorable Ron Lewis
Chairman, Natural Resources Committee
Reagan 214

Re: Author's Fiscal Statement. SB1465 (relating to the creation, administration, powers, duties, operation and financing of the Menard County Underground Water District.

Sir:

In response to your request for an Author's Fiscal Statement on SB1465, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.

The Board of Directors consists of five elected directors who serve without compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the District.

2. COST OF MENARD COUNTY GOVERNMENT: funded through interest income.

A. Maintenance and operating expenses of the district.

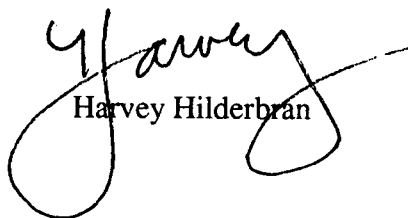
B. The district may not levy any tax without the approval of the qualified voters of the district.

3. FISCAL YEAR PROJECTIONS:

1991.....no cost is anticipated
1992.....no cost is anticipated
1993.....no cost is anticipated
1994.....no cost is anticipated
1995.....no cost is anticipated

Please let me know if I can be of any further assistance to you.

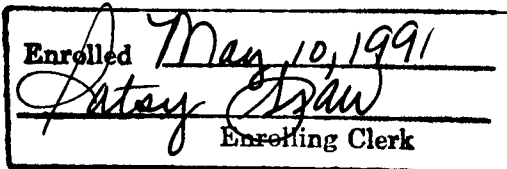
Sincerely,



Harvey Hilderbran

Concho, Crockett, Edwards, Gillespie, Irion, Kerr, Kimble, Mason,
Menard, Real, Schleicher, Sutton and Uvalde Counties

5



S.B. No. 1465

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Menard County Underground Water
4 District.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as the Menard County Underground Water
8 District, is created in Menard County, subject to approval at a
9 confirmation election under Section 9 of this Act. The district is
10 a governmental agency and a body politic and corporate.

11 (b) The district is created under and is essential to
12 accomplish the purposes of Article XVI, Section 59, of the Texas
13 Constitution.

14 SECTION 2. DEFINITION. In this Act, "district" means the
15 Menard County Underground Water District.

16 SECTION 3. BOUNDARIES. The district includes the territory
17 contained within Menard County, with the exception of the territory
18 contained within the Hickory Underground Water Control District
19 No. 1.

20 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
21 finds that the boundaries of the district form a closure.

22 SECTION 5. FINDING OF BENEFIT. All of the land and other
23 property included within the boundaries of the district will be
24 benefited by the works and projects that are to be accomplished by

1 the district under powers conferred by Article XVI, Section 59, of
2 the Texas Constitution. The district is created to serve a public
3 use and benefit.

4 SECTION 6. POWERS. (a) The district has all of the rights,
5 powers, privileges, authority, functions, and duties provided by
6 the general law of this state, including Chapters 50 and 52, Water
7 Code, applicable to underground water conservation districts
8 created under Article XVI, Section 59, of the Texas Constitution.
9 This Act prevails over any provision of general law that is in
10 conflict or inconsistent with this Act.

11 (b) The rights, powers, privileges, authority, functions,
12 and duties of the district are subject to the continuing right of
13 supervision of the state to be exercised by and through the Texas
14 Water Commission.

15 SECTION 7. BOARD OF DIRECTORS. (a) The district is
16 governed by a board of five directors.

17 (b) Temporary directors serve until initial permanent
18 directors are elected under Section 9 of this Act.

19 (c) Initial permanent directors serve until permanent
20 directors are elected under Section 10 of this Act.

21 (d) Permanent directors other than initial permanent
22 directors serve staggered four-year terms.

23 (e) Each director must qualify to serve as director in the
24 manner provided by Sections 52.108 and 51.079, Water Code.

25 (f) A director serves until the director's successor has

1 qualified.

2 (g) A director is not entitled to compensation for service
3 on the board of directors but may be reimbursed as provided by
4 board rules for expenses incurred in carrying out the business of
5 the district.

6 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
7 directors is composed of:

8 (1) Carl A. Martin, Jr.

9 (2) Murph M. Compton

10 (3) Mark W. Jones

11 (4) A. B. Williams

12 (5) Bill Austin

13 (b) If a temporary director fails to qualify for office, the
14 temporary directors who have qualified shall appoint a person to
15 fill the vacancy. If at any time there are fewer than three
16 qualified temporary directors, the Texas Water Commission shall
17 appoint the necessary number of persons to fill all vacancies on
18 the board.

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

20 (a) The temporary board of directors shall call and hold an
21 election to confirm establishment of the district and to elect five
22 initial directors.

23 (b) A person who desires to be a candidate for the office of
24 initial director may file an application with the temporary board
25 to have the candidate's name printed on the ballot as provided by

1 Section 52.107, Water Code.

2 (c) At the confirmation and initial directors' election, the
3 temporary board of directors shall have the names of the five
4 persons serving as temporary directors placed on the ballot
5 together with the name of any candidate filing for the office of
6 director as provided by Subsection (b) of this section and blank
7 spaces to write in the names of other persons. If the district is
8 created at the election, the temporary directors, at the time the
9 vote is canvassed, shall declare the five persons who receive the
10 most votes to be elected as the initial directors and shall include
11 the results of the directors' election in its election report to
12 the Texas Water Commission.

13 (d) Subsection (a), Section 41.001, Election Code, does not
14 apply to a confirmation and initial directors' election held as
15 provided by this section.

16 (e) Except as provided by this section, a confirmation and
17 initial directors' election must be conducted as provided by
18 Subsections (b) through (g), Section 52.059, Water Code, and the
19 Election Code.

20 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
21 May of the second year after the year in which the district is
22 authorized to be created at a confirmation election, an election
23 shall be held in the district for the election of directors. The
24 five directors receiving the highest number of votes are directors
25 for the district. The three directors receiving the highest number

1 of votes shall serve four-year terms, and the remaining two
2 directors shall serve two-year terms. Thereafter, on the same date
3 in each subsequent second year, the appropriate number of directors
4 shall be elected to the board.

5 SECTION 11. AMENDMENT. Chapter 31, Acts of the 55th
6 Legislature, 1st Called Session, 1957, is amended by adding Section
7 1A to read as follows:

8 Sec. 1A. The District is governed by a board of five
9 directors composed of the persons who serve as directors of the
10 Menard County Underground Water District. Each director of the
11 Menard County Underground Water District serves on the board of
12 directors of the Menard County Water Control and Improvement
13 District No. 1 as an additional duty of his office as director of
14 the underground water district. A director is not entitled to
15 compensation for service on the board of directors but may be
16 reimbursed as provided by board rules for expenses incurred in
17 carrying out the business of the District.

18 SECTION 12. ADDITIONAL DUTY. Each person designated under
19 this Act as a temporary director for the Menard County Underground
20 Water District serves in that capacity as an additional duty of
21 office as a director of the Menard County Water Control and
22 Improvement District No. 1.

23 SECTION 13. EXCLUSION. On the date on which creation of the
24 Menard County Underground Water District is confirmed, the
25 territory located within the boundaries of Menard County is

1 excluded from and is no longer included within the boundaries of
2 the Plateau Underground Water Conservation and Supply District and
3 is no longer subject to the jurisdiction of the Plateau Underground
4 Water Conservation and Supply District.

5 SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

6 (a) The proper and legal notice of the intention to introduce this
7 Act, setting forth the general substance of this Act, has been
8 published as provided by law, and the notice and a copy of this Act
9 have been furnished to all persons, agencies, officials, or
10 entities to which they are required to be furnished by the
11 constitution and other laws of this state, including the governor,
12 who has submitted the notice and Act to the Texas Water Commission.

13 (b) The Texas Water Commission has filed its recommendations
14 relating to this Act with the governor, lieutenant governor, and
15 speaker of the house of representatives within the required time.

16 (c) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

20 SECTION 15. EFFECTIVE DATE. This Act takes effect
21 immediately, except Section 11 of this Act takes effect on the date
22 the temporary board of directors declares the results of the
23 confirmation and initial directors' election to be favorable to the
24 creation of the district and declares the district created.

25 SECTION 16. EMERGENCY. The importance of this legislation

S.B. No. 1465

1 and the crowded condition of the calendars in both houses create an
2 emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended,
5 and that this Act take effect and be in force from and after its
6 passage, and it is so enacted.

S.B. No. 1465

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1465 passed the Senate on April 26, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1465 passed the House on May 10, 1991, by the following vote: Yeas 133, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

BILL ANALYSIS

Senate Research Center

S.B. 1465
By: Sims
Natural Resources
5-31-91
Enrolled

BACKGROUND

Menard County's increasing dependence on water primarily for agriculture warrants the creation of an underground water district for the protection and regulation of groundwater available to the residents of the county.

PURPOSE

As proposed, S.B. 1465 provides for the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. (a) Creates the Menard County Underground Water District (district) as an underground water conservation district subject to approval at a confirmation election under Section 9 of this Act. Provides that this district is a governmental agency and a body politic and corporate.

(b) Provides that this district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. Defines "district."

SECTION 3. BOUNDARIES. Sets forth the boundaries of the district.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. Sets forth the finding that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. Sets forth the finding that all of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district. Provides that the district is created to serve a public use and benefit.

SECTION 6. POWERS. (a) Sets forth the general powers of the district. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Provides that the rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing supervision of the Texas Water Commission.

SECTION 7. BOARD OF DIRECTORS. (a) Requires the board to be governed by a board of five directors.

(b) Provides for the terms of office of temporary directors.

(c) Provides for the terms of office of initial permanent directors.

(d) Provides for the terms of office of permanent directors other than initial permanent directors.

(e) Provides that each director must qualify to serve as director in the manner provided by Sections 52.108 and 51.079, Water Code.

(f) Provides that a director serves until the director's successor has qualified.

(g) Provides for the compensation of the board of directors.

SECTION 8. TEMPORARY DIRECTORS. (a) Sets forth the composition of the board of directors.

(b) Provides for a vacancy on the board of temporary directors.

SECTION 9. CONFIRMATION AND INITIAL DIRECTOR'S ELECTION. (a) Requires the board of directors to call and hold an election to confirm establishment of the district.

(b) Requires a candidate for the office of initial director to file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 52.107, Water Code.

(c) Provides for the election of the initial directors. Requires the district to include the results of the director's election in its election report to the Texas Water Commission.

(d) Provides that Section 41.001(a), Election Code, does not apply to a confirmation and initial director's election.

(e) Requires a confirmation and initial director's election to be conducted as provided by Sections 52.059(b)-(g), Water Code, and the Election Code.

SECTION 10. ELECTION OF DIRECTORS. Provides for the election of directors.

SECTION 11. AMENDMENT. Amends Chapter 31, Acts of the 55th Legislature, 1st Called Session, 1957, by adding Section 1A, as follows:

Sec. 1A. Provides that the district is governed by a board of five directors composed of the persons who serve as directors of the Menard County Underground Water District. Provides that each director of the Menard County Underground Water District serves on the board of directors of the Menard County Water Control and Improvement District No. 1 as an additional duty of his office as director of the underground water district. Prohibits a director from being entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the district.

SECTION 12. ADDITIONAL DUTY. Provides that a temporary director for the Menard County Underground Water District also serves as a director of the Menard County Water Control and Improvement District No. 1.

SECTION 13. EXCLUSION. Excludes territory located within the boundaries of Menard County from the Plateau Underground Water Conservation and Supply District on the date on which creation of the Menard County Underground Water District is confirmed.

SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. (a) Provides that the proper and legal notification of the intention to introduce this Act has been accomplished.

(b) Provides that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 15. EFFECTIVE DATE. Provides that this Act takes effect immediately (upon passage), except that Section 11 takes effect on the date the temporary board of directors declares the results of the confirmation and initial directors' election to be favorable to the creation of the district and declares the district created.

SECTION 16. Emergency clause.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 16, 1991

TO: Honorable Bill Sims, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 1465
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1465 (relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, LC

Ground Chuck

6 - FEBRUARY 28, 1991, MENARD (TX) NEWS

Pipe For Sale

2 7/8", 65c FL; 3 1/2", 65c FL
2 3/8", 50c FL; 2 1/16", 45c FL

Walter Russell

915-396-2532

(Night or early morning)

Free Delivery



WATER WELL SERVICE
Menard, Tx.

Sales - Service - Installation

- Pump & Windmill Repair
- Complete pump & pressure system installation
- Pressure Tanks
- Pressure Switches
- Plastic & Galvanized Pipe

Legal Notice

The Menard County Water Control and Improvement District #1 hereby serves notice that it is the intent of the Menard County Water Control and Improvement District #1 to amend current statute to include Chapter 52 of the Texas Water Code granting authority to the Menard County Water Control and Improvement District #1 to regulate underground water.

The purpose of this legislation is to enable the Menard County Water Control and Improvement District #1 to preserve, protect, and conserve the underground water of Menard County.

The proposed underground water district's boundaries will be contiguous with the boundaries of Menard County save and except the area presently under jurisdiction of the Hickory Underground Water Conservation District #1 in Menard County.

Issued By Menard County Water Control & Improvement District #1 Board of Directors 2tc-18

Bid Notice

Bids are now being accepted for sale of

12.73
15 ac
18-19
52 ac
118 ac
270 ac
1,238 s
2,500 s
RANC
198 ac
and
211 ac
\$30
610 ac
647 ac
962 ac
2000 ac
200 ac
acre,
1,270 ac
1,450 ac
2,000 to
HOUSE
2 lots w
Large lo
2 1/2 lot
Nice 3B



The Texas House of Representatives

Harvey Hilderbran

State Representative
District 67

Committees:
Natural Resources
Human Services
Rules and Resolutions

May 6, 1991

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0536

420 Water Street
Suite 105
Kerrville, Texas 78028
512-257-2333

The Honorable Ron Lewis
Chairman, Natural Resources Committee
Reagan 214

Re: Author's Fiscal Statement. SB1465 (relating to the creation, administration, powers, duties, operation and financing of the Menard County Underground Water District.

Sir:

In response to your request for an Author's Fiscal Statement on SB1465, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.

The Board of Directors consists of five elected directors who serve without compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the District.

2. COST OF MENARD COUNTY GOVERNMENT: funded through interest income.

- A. Maintenance and operating expenses of the district.
- B. The district may not levy any tax without the approval of the qualified voters of the district.

3. FISCAL YEAR PROJECTIONS:

1991.....no cost is anticipated
1992.....no cost is anticipated
1993.....no cost is anticipated
1994.....no cost is anticipated
1995.....no cost is anticipated

Please let me know if I can be of any further assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Harvey", with a large, stylized flourish extending from the bottom of the signature.

Harvey Hilderbran

Concho, Crockett, Edwards, Gillespie, Irion, Kerr, Kimble, Mason,
Menard, Real, Schleicher, Sutton and Uvalde Counties

92

3/4cert

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1465 passed the Senate on April 26, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1465 passed the House on May 10, 1991, by the following vote: Yeas 133, Nays 01. *two present not voting*

Chief Clerk of the House

Approved:

Date

Governor

S.B. No.

1465

By

A BILL TO BE ENTITLED

AN ACT: relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District.

4-2-91

Filed with the Secretary of the Senate

APR 8 1991

Read and referred to Committee on NATURAL RESOURCES

APR 18 1991

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

APR 26 1991

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent

{ _____ yeas, _____ nays

APR 26 1991

Read second time, _____, and ordered engrossed by:

{ unanimous consent
a viva voce vote

{ _____ yeas, _____ nays

Caption ordered amended to conform to the body of the bill.

APR 26 1991

Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 12 nays.

APR 26 1991

Read third time, _____, and passed by:

{ A viva voce vote

{ 31 yeas, 0 nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

April 26, 1991
4-29-91

Engrossed

Sent to House

Engrossing Clerk

Sally Spaw

APR 29 1991

Received from the Senate

MAY 2 1991

Read first time and referred to Committee on NATURAL RESOURCES

MAY 06 1991

Reported favorably amended, sent to Printer at 5:30p MAY 07 1991

MAY 07 1991

Printed and Distributed 8:54p

MAY 8 1991

Sent to Committee on Calendars 8:58 AM

MAY 9 1991

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays, _____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays _____ present not voting.

MAY 10 1991

Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of

133 yeas, 0 nays 2 present not voting.

Caption ordered amended to conform to body of bill.

MAY 10 1991

Returned to Senate.

Betty Wainwright

CHIEF CLERK OF THE HOUSE

MAY 10 1991

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

91 MAY -7 PM 8:54

HOUSE OF REPRESENTATIVES

NR